



IOWA DEPARTMENT OF NATURAL RESOURCES

September 14, 2006

For immediate release

- 1. Animal feeding rules to be discussed at EPC meeting on Tuesday**
- 2. Colesburg lagoon discharging to Pine Creek**
- 3. Conduit creek fish kill caused by manure from cattle lot**
- 4. DNR enforcement actions**

ANIMAL FEEDING RULES TO BE DISCUSSED AT EPC MEETING TUESDAY

DES MOINES – The Environmental Protection Commission will address a petition to update rules for confinement feeding operations at their Sept. 19 meeting.

The petition requested an update in DNR rules so that they conform to state law. Petitioners are also asking commissioners to consider a reduced nitrogen application rate for liquid manure being applied to crop fields going into soybeans as an alternative to prohibiting the application of liquid manure on soybean fields.

Commissioners had requested DNR staff to draft a rule proposal that would prohibit liquid manure application on soybean fields, except when fields that were planned for corn were planted to soybeans because wet weather prevented corn planting. Information about the proposed rule will be presented at this meeting.

Commissioners will also hear a presentation on the purpose and the process that will be used in use attainability analysis of Iowa streams. “This is a process to collect data that we will use to decide the appropriate water quality standards for our perennial streams,” said Chuck Corell, chief of the DNR’s water quality bureau.

The EPC will meet on Tuesday as it did in August, and intends to meet on the first Tuesday of each month starting in November.

The meeting will be held at 9 a.m. at the DNR Air Quality Building, 7900 Hickman Road in Urbandale. Public participation is scheduled for 10:30 a.m. The meeting is open to the public. Several appointments are scheduled for the afternoon.

The complete agenda follows:

Approval of Agenda

Approval of Minutes

Director's Remarks

Budget Request for FY 2008

Contract – Economic Impact Study of Iowa Recycling Industry – R.W. Beck, Incorporated

Contract– Statewide Waste Tire Stockpile Abatement – Greenman Technologies of Iowa Solid Waste Alternatives Program – Recommendations

Contract – TBD – Iowa's Water Pollution Control Permits Application and NPDS

Database Upgrade

Contract - University Hygienic Laboratory (UHL) for Stream Biological Assessment

Contract – U.S. Environmental Protection Agency – Amendment to the Superfund State

Contract No. 04-01-IA-A7-01 for Remedial Action at the Railroad Avenue Superfund Site, West Des Moines

Joint State Agency Agreement Between the Iowa Agricultural Development Authority, the Iowa Finance Authority, and the Iowa Department of Natural Resources

Drinking Water and Clean Water State Revolving Loan Fund – 2007 Intended Use Plans Second Quarter Updates

Final Rule - Chapter 60 - Scope of Title-Definitions-Forms-Rules of Practice, Chapter 62

- Effluent and Pretreatment Standards, Chapter 63 - Monitoring, Analytical and

Reporting Requirements

Final Rule —Rescind 567 IAC Chapter 47, “Private Well Sampling, Rehabilitation, and Closure—Grants To Counties.”

Notice of Intended Action – Chapter 43: Water Supplies – Design and Operation – Construction Permit Fees

Notice of Intended Action – Amend IAC Chapter 567-11 “Tax Certification of Pollution Control or Recycling Property”

Bierman et al. Petition For Rulemaking

Proposed Contested Case Decision - Alan Bakker

Referrals to the Attorney General

a) Albert Miller (Kalona) – Solid Waste / Air Quality

b) Roquette America, Inc. (Keokuk) – Air Quality

c) Harold and Sharon DeVos (Rock Rapids) – Solid Waste / Air Quality / Wastewater

d) General Motors Corporation (Sioux City) – Consent Order violations

e) Bridges Bay Resort, L.L.C. (Dickinson County) – Wastewater / Air Quality

f) SNF, Inc., dba Brand FX Body Company (Pocahontas) – Air Quality

Proposed Rule - Chapters 21, 22, 23 and 34, Air Quality Program Rules - Updates,
Revisions, and Additions

Use Attainability Analysis

Monthly Reports

General Discussion

- Upcoming Meetings
- November 7, 2006 – Fort Dodge

Items for next month's meeting

More information about the agenda items can be found on the DNR Web site under
Commissions and Boards at www.iowadnr.com.

The members of the commission are Jerry Peckumn, chair, Jefferson; Francis Thicke, vice chair, Fairfield; Lisa Davis-Cook, secretary, West Des Moines; Donna Buell, Spirit Lake; Mary Gail Scott, Cedar Rapids; David Petty, Eldora; Suzanne Morrow, Storm Lake; Henry Marquard, Muscatine and Darrell Hanson, Manchester. The director of the DNR is Jeff Vonk.

MEDIA CONTACT: Karen Grimes at (515) 281-5135.

###

COLESBURG LAGOON DISCHARGING TO PINE CREEK

COLESBURG -- The City of Colesburg in Delaware County began discharging partially treated wastewater Thursday from the north wastewater lagoon.

Normally the wastewater is held for 180 days, allowing solids to settle out and bacteria to decompose.

However, after heavy rains last week, the lagoon level nearly reached the top of the dike walls. The city began discharging into Pine Creek to protect the dikes and will be allowed to discharge through Friday, but not over the weekend.

The city did not take samples before discharging, so the bacterial count in the discharge is not known. Consequently the DNR has required the city to notify downstream neighbors.

The DNR has also required the city to sample for total suspended solids, ammonia, fecal coliform and carbonaceous biological oxygen demand or CBOD₅.

The test for CBOD₅ measures the oxygen demand on the stream that occurs as the wastewater decomposes. If the oxygen demand is high, oxygen levels in the stream will drop, stressing aquatic animals.

Colesburg officials indicate that the treatment plant will be upgraded or expanded in the future.

MEDIA CONTACT: Susan Miller, Manchester DNR field office, (563) 927-2640.

###

CONDUIT CREEK FISH KILL CAUSED BY MANURE FROM CATTLE LOT

PLEASANT VALLEY – A fish kill earlier this month along Conduit Creek in Scott County has been determined to have been caused by manure washing into the stream after a rain storm.

The DNR assessment has determined that more than 6,000 fish were killed, mostly minnows as well as 23 green sunfish. The fish kill affected approximately 3.2 miles of stream above the confluence of Conduit Creek with Spencer Creek. No dead fish were found in Spencer Creek.

The manure entered the stream from a cattle feedlot near LeClaire owned by Claussen Family Farms LLC and operated by Dale Claussen.

The restitution for the fish is estimated at \$1,551. The investigation is continuing and the appropriate enforcement action has not yet been determined.

MEDIA CONTACT: Kevin Baskins at 515-281-8395.

###

DNR ENFORCEMENT ACTIONS

DES MOINES — The DNR took the following enforcement actions in August and September 2006, unless otherwise noted. The following are only briefs; please contact Jessie Brown of the DNR for more information at (515) 281-5131.

Administrative Orders

Responsible parties have 30 days to appeal the order or 60 days to pay the penalty.

- Lane Bachman, of Lake City, was ordered to submit an updated manure management plan (MMP) and annual compliance fee, and to pay a \$3,500 penalty. The order is in regard to failure to submit an MMP and compliance fee for a site in Calhoun County.
- Troy Van Beek, of Inwood, was ordered to submit an updated manure management plan (MMP) and annual compliance fee, and to pay a \$3,500 penalty. The order is in regard to failure to submit an MMP and compliance fee for a site in Lyon County.

- Michael Drae, of Sergeant Bluff, was ordered to pay a \$6,000 penalty. The order is in regard to open burning of waste tires at a site near Oto in Woodbury County. This order was taken in June.

Consent Orders

A consent order is issued in settlement of an administrative order or as an alternative to issuing an administrative order. A consent order indicates that the DNR has voluntarily entered into a legally enforceable agreement with the other party.

- Whispering Pines Development Corp., of Muscatine, agreed in a consent order to pay a penalty of \$3,750. The consent order is in regard to failure to obtain a floodplain development permit for the construction of a dam across an unnamed Mad Creek tributary in Muscatine County.
- Helen Osweiler, of South English, agreed in a consent order to submit a manure management plan (MMP), pay the filing and indemnity fees, pay past annual compliance fees for 2003, 2004 and 2005, and to pay a \$3,500 penalty. The order is in regard to an animal confinement feeding operation in Keokuk County.
- Rueter and Zenor Co., dba Rueter's Red Power, of Carroll, agreed in a consent order to cease the open burning of all trade waste, including pallets and plastic buckets, and to properly dispose the material at a permitted landfill. In addition, Rueter and Zenor agreed to pay a \$400 penalty, which will be used as a Supplemental Environmental Project to place open burning advertisements in local newspapers.
- John Korsland, dba Korn-Land Hog Farm, of Eagle Grove, agreed in a consent order to pay a \$1,500 penalty. The consent order is in regard to construction permit violations at an animal feeding operation in Humboldt County.

MEDIA CONTACT: Jessie Brown at (515) 281-5131.